

REMARKS

Claims 28-47 remain pending. Favorable reconsideration is respectfully requested.

Applicants would like to thank Examiner Collins for the helpful and courteous discussion held with their representative on February 8, 2005. During that discussion, the Examiner informed Applicants' representative that the Amendment and Request for Reconsideration filed December 17, 2004 did not place the application in condition for allowance because there was a concern that the cited references inherently disclose the claimed methods. Applicants' representative explained why the cited references do not, in fact, inherently describe the subject matter of Claims 28-47. The following remarks expand on the discussion with the Examiner.

The present invention relates to a method of increasing the drought resistance of plants by introducing a specified polynucleotide into plants and growing plants under drought conditions to select plants which have higher drought resistance compared to the plants prior to introducing the polynucleotide. See Claims 28 and 33.

The present invention also relates to a method of increasing resistance to high salt concentration in plants by introducing a specified polynucleotide into plants and growing plants under high salt conditions to select plants which have higher resistance to high salt concentration compared to the plants prior to introducing the polynucleotide. See Claims 38 and 43.

Thus, the claimed methods explicitly specify that the plants are grown under drought conditions (Claims 28 and 44) or high salt conditions (Claims 38 and 43) in order to select the plants having higher resistance to drought or high salt conditions.

The rejection of Claims 28-47 under 35 U.S.C. §102(a) over EP 0 994 186 (hereinafter referred to as "EP '186") is respectfully traversed. EP '186 fails to describe the claimed methods.

EP '186 describes a raffinose synthase gene, a process for producing raffinose, and a transformed plant. See the Abstract.

In order for EP '186 to anticipate the claims, the reference must disclose growing the transformed plants under drought conditions or high salt conditions. It does not. See pages 12-14 and Example 5 at pages 21 and 22. In that Example, the transformants were selected using antibiotics. See paragraph 158 at page 22. Nowhere in the reference is growing the transformed plants under drought conditions or high salt conditions disclosed.

In fact, the reference is completely silent with respect to drought resistance or resistance to higher salt concentrations. EP '186 certainly fails to disclose growing plants under drought conditions to select plants which have higher drought resistance compared to the plants prior to introducing the polynucleotide or growing plants under high salt conditions to select plants which have higher resistance to high salt concentration compared to the plants prior to introducing the polynucleotide. Therefore, EP '186 fails to describe selecting plants for improved drought resistance or higher resistance to high salt concentrations as claimed.

In view of the foregoing, EP '186 fails to disclose or suggest the claimed methods. Withdrawal of this ground of rejection is respectfully traversed.

The rejection of Claims 28-31 and 38-41 under 35 U.S.C. §102(b) over EP 0 849 359 (hereinafter referred to as "EP '359") is respectfully traversed. EP '359 fails to describe the claimed methods.

EP '359 discloses raffinose synthetase genes which code for proteins capable of producing raffinose. See the Abstract.

Examples 13 and 14 describe the transformation of mustard and soybean somatic embryo with the gene, respectively. See pages 18-20. In that Example, the transformants were selected using antibiotics. Nowhere in the reference is growing the transformed plants under drought conditions or high salt conditions disclosed.

In fact, the reference is completely silent with respect to drought resistance or resistance to higher salt concentrations. EP '359 certainly fails to disclose either (a) growing plants under drought conditions to select plants which have higher drought resistance compared to the plants prior to introducing the polynucleotide or (b) growing plants under high salt conditions to select plants which have higher resistance to high salt concentration compared to the plants prior to introducing the polynucleotide. Therefore, EP '359 fails to describe selecting plants for improved drought resistance or higher resistance to high salt concentrations.

In view of the foregoing, EP '359 fails to disclose or suggest the claimed methods. Withdrawal of this ground of rejection is respectfully traversed.

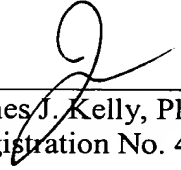
The rejection of Claims 28-47 under 35 U.S.C. §102(b) over JP 411123080 (hereinafter referred to as "JP '080") is respectfully traversed. JP '080 fails to describe the claimed methods.

According to the Abstract, JP '080 discloses a gene for raffinose synthetase, production of raffinose, and a transformed plant. There is no indication that the reference describes that the plants have increased drought resistance or resistance to higher salt concentrations or growing the transformed plants under drought conditions or high salt conditions disclosed. JP '080 certainly fails to disclose growing plants under drought conditions to select plants which have higher drought resistance compared to the plants prior to introducing the polynucleotide or growing plants under high salt conditions to select plants which have higher resistance to high salt concentration compared to the plants prior to introducing the polynucleotide. Therefore, no evidence has been provided to demonstrate that JP '080 describes selecting plants for improved drought resistance or higher resistance to high salt concentrations. Accordingly, the reference fails to disclose or suggest the claimed methods. Withdrawal of this ground of rejection is respectfully traversed.

Applicants submit that the present application is now in condition for allowance and early notice of such action is earnestly solicited.

Respectfully submitted,

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